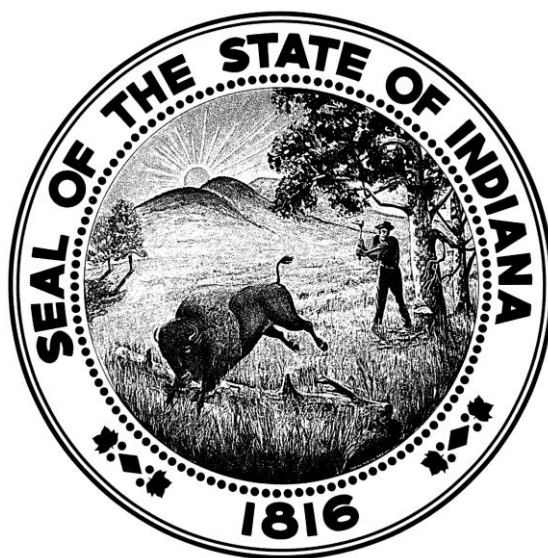


# Indiana Network of Knowledge (INK)

## Governance Framework



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# SECTION I: BACKGROUND

## Version

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Date	Version	Description
01/21/15		Initial Draft

## Abbreviations/Terms Used throughout this Document

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The following definitions apply throughout this Governance Framework:

- *Affiliate Organization.* This term refers collectively to any other individual or entity authorized by IC 22-4.5-10-5(d) that submits data to the INK System.
- *CHE.* The Indiana Commission for Higher Education established by IC 21-18-2-1.
- *DWD.* The Department of Workforce Development established by IC 22-4.1-2-1.
- *FSSA.* The Family & Social Services Administration and its various divisions, bureaus, and offices established by IC 12-8-1.5-1 and subsequent articles.
- *IDOE.* The Indiana Department of Education established IC 20-19-3-1.
- *INK Data.* Any data submitted to the INK Program for the INK System.
- *INK Executive Director.* The official appointed by the Governor pursuant to IC 22-4.5-10-8.
- *INK Governance Committee.* The INK Governance Committee established by IC 22-4.5-10-7(a) makes the final decisions relating to the INK Program as provided by this INK Governance Framework.
- *INK Program.* The organizational entity overseen by the INK Governance Committee, administered by the INK Executive Director pursuant to this Governance Framework.
- *INK Security Framework.* The data security and safeguarding plan contemplated by IC 22-4.5-10-6(a)(4) and IC 22-4.5-10-5(a)(1)(C) developed by IOT.
- *INK System Administrator.* A qualified IOT employee designated by the State Chief Information Officer to lead the coordination of all IOT services relating to the INK System.
- *IOT.* The Indiana Office of Technology established by IC 4-13.1.

- *IWIS*. The Indiana Workforce Intelligence System, which is the predecessor to the INK System. IWIS continues to be a system operated and managed by DWD.
- *NIST*. The National Institute of Standards & Technology.
- *Partner Agency*. This term refers collectively to IDOE, DWD, CHE, FSSA, and any other State Agency that becomes a Partner Agency as provided in this INK Governance Framework.

## **Background of the Indiana Network of Knowledge**

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The Indiana Network of Knowledge (INK),<sup>1</sup> was established in 2014 by the Indiana General Assembly to be the statewide longitudinal data system that contains educational and workforce information from educational institutions at all levels and information about the state’s workforce.

The INK replaces the Indiana Workforce Intelligence System (IWIS) as the State’s education and workforce longitudinal data system. The INK is intended to build on the successes achieved since IWIS’s inception. IWIS will continue to be operated and managed by DWD in support of its various workforce programs.

The INK does not replace agency data collection and administration responsibilities; rather, it serves as a clearinghouse where specific data elements are linked across the four agencies. This allows research and analysis of data over a period of time that would otherwise be impossible to achieve.

## **Statutory Purpose of INK**

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In its establishment of the INK, the General Assembly set forth the following purpose in IC 22-4.5-10-3:

The Indiana network of knowledge is established as a statewide longitudinal data system that contains educational and workforce information:

- (1) from educational institutions at all levels; and
- (2) about the state’s workforce;

to improve the effect of the state’s educational delivery system on the economic opportunities of individuals and the state’s workforce, and to guide state and local decision makers.

## **Purpose of this Document**

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The purpose of this document is to establish a data governance framework for the INK Program in accordance with IC 22-4.5-10.

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<sup>1</sup> To differentiate between (i) the organizational entity overseen by the INK Governance Committee and administered by the INK Executive Director and (ii) the information technology system, this INK Governance Framework refers to that organizational entity as the “INK Program” and that IT system as the “INK System.” This distinction has been added to the state laws incorporated throughout this INK Governance Framework.

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*Data governance is the formal orchestration of people, processes, and technology to manage the protection, improvement, access, and use of data.*

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This Governance Framework is:

- Developed and managed by the INK Governance Committee on the recommendation of the INK Executive Director following collaborative efforts of the INK Working Groups.
- Adopted by the INK Governance Committee to adopt a best-practices approach to the management of sensitive data, to foster effective collaboration between the Partner Agencies, and to align the INK Program with the broader internal workings of Indiana state government.
- Designed to ensure the INK Program is:
  - Operated in compliance with IC 22-4.5-10 and the forward-looking, visionary spirit surrounding its adoption;
  - *Results-oriented* so efforts are focused on acting in accordance with the Purpose of the INK Program;
  - *Collaborative* so Partner Agencies can efficiently collaborate and execute in accordance with this Governance Framework;
  - *Flexible* to operate most efficiently within the various intra- and inter-agency requirements of state government, not to seek to replace those requirements;
  - *Easily understood and transparent* so that stakeholders and the public at-large can more easily understand what the INK Program is doing and the reasoning behind its actions;
  - *Formal to the extent necessary* to ensure:
    - Identifiable risks are appropriately mitigated;
    - Meaningful results are produced in a timely and efficient manner; and,
    - Compliance with the law and security requirements;
  - *Scalable and evolving as necessary* to appropriately deal with issues confronted; and,
  - The *final authority* for INK-related decisions so that stakeholders can rely on those decisions and avoid duplication of efforts within other areas of state government;
  - *Compliant* with applicable privacy and confidentiality statutes.

Notwithstanding the foregoing, the INK Program remains subject to all of the standard requirements of state government with respect to the Indiana Open Door Law, Access to Public Records Act, personnel rules, procurement requirements, etc. Such requirements are not addressed in this Governance Framework because the INK Program must operate within the confines of those requirements as they exist now and as they change in the future; however, in accordance IC 22-4.5-10-6(b)(7), policies for responding to data requests from state agencies, local agencies, the General Assembly, and the public is addressed in “Requests for INK Data” on page 25.

## **State & Federal Privacy Laws Relating to the INK System**

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It is the moral and legal obligation of the INK Governance Committee, Partner Agencies, and Affiliate Organizations to protect privacy and ensure confidentiality. Partner Agencies shall adhere to requirements of federal and state statutes, regulations, and administrative rules concerning data privacy and confidentiality of personally identifiable information with respect to all INK Data.

The data sharing contemplated by this INK Governance Framework is subject to the requirements of:

- The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 USC 101), including 45 CFR Part 164;
- The Family Educational Rights and Privacy Act (“FERPA”, 20 USC 1232g), including 34 CFR Part 99;
- The Food Stamp Act of 1977 (7 USC 2020), including 7 CFR 272;
- The Individuals with Disabilities Education Act (“IDEA”) (20 USC 1400 et seq.), including 34 CFR Parts 300 and 303;
- Sec. 303(a)(1) of the Social Security Act (42 USC 503), including 20 CFR Part 603 and 45 CFR Part 205;
- The Privacy Act of 1974 (5 USC 552a);
- IC 4-1-6: Fair Information Practices; Privacy of Personal Information.
- IC 4-1-10: Release of Social Security Numbers;
- IC 4-1-11: Notice of Security Breach.
- IC 5-14-3-4: Records excepted from disclosure; time limitations; destruction of records;
- IC 12-14-1-7: Confidentiality of TANF records; TANF information that may be disclosed by the division;
- I.C. 22-4-19-6: Records; inspection; reports; confidentiality; violations; processing fee.

The data sharing contemplated under this INK Governance Framework supports a defined business need with respect to these objectives and are either permitted or required by applicable federal and state laws and regulations, including but not limited to 34 CFR §99.31(a)(3) and §99.31(a)(6).

Each Partner Agency designates each of the other Partner Agencies and as “authorized representatives” for the purposes of this Agreement, as defined by I.C. 22-4-19-6(a) and 34 CFR §99.3.

## SECTION II: ORGANIZATION

### **Organizational Structure, Roles, & Responsibilities: An Overview**

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The INK Governance Committee established by IC 22-4.5-10-7(a) makes the final decisions relating to the INK Program as provided by this INK Governance Framework. The INK Governance Committee, in collaboration with the INK Executive Director and Partner Agencies, determine the business requirements for the INK System, which IOT will administer and deliver as feasible.

### **The INK Governance Committee: Structure & Composition**

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#### **General Structure Composition**

In accordance with IC 22-4.5-10-7(b), the INK Governance Committee is comprised of:

- (1) The Commissioner of the Department of Workforce Development, or the Commissioner's designee with authority to act on behalf of the Commissioner.
- (2) The Commissioner of the Commission for Higher Education, or the Commissioner's designee with authority to act on behalf of the Commissioner.
- (3) The State Superintendent of Public Instruction, or the State Superintendent's designee with authority to act on behalf of the State Superintendent.
- (4) One (1) member representing private colleges and universities appointed by the Governor.
- (5) One (1) member representing the business community in Indiana appointed by the Governor.
- (6) The INK Executive Director. (The INK Executive Director serves in a nonvoting advisory capacity.)
- (7) The Secretary of Family and Social Services Administration's designee, as appointed by the process outlined in I.C. 22-4.5-10-7(c).

#### **Additional Members**

In accordance with IC 22-4.5-10-7(c), the Governor may appoint additional members to the INK Governance Committee as necessary to ensure the continued success of the INK. Additional members appointed under this subsection must represent other state agencies or partner organizations, as determined by the INK Governance Committee, that submit data to the INK System.

## **Vacancies**

In accordance with IC 22-4.5-10-7(d), a member of the INK Governance Committee appointed by the Governor serves at the pleasure of the Governor. In accordance with IC 22-4.5-10-7(f), a vacancy on the INK Governance Committee is filled in the same manner as the original appointment.

## **Chairperson**

In accordance with IC 22-4.5-10-7(g), the Governor shall appoint the chair of the INK Governance Committee from its voting members. The chair serves for one (1) year, or until a successor is selected.

In the absence of the chairperson designated by the Governor, the INK Governance Committee shall select a chairperson to continue the effective operations of the INK Governance Committee who shall continue in that capacity until such time as the Governor appoints a chairperson.

## **Meetings of the INK Governance Committee**

In accordance with IC 22-4.5-10-7(h), the INK Governance Committee shall meet at least quarterly or at the call of the chair. In accordance with IC 22-4.5-10-7(i), a majority of the voting members of the INK Governance Committee constitutes a quorum for the purpose of conducting business.

In accordance with IC 22-4.5-10-7(i), the affirmative vote of a majority of the members of the INK Governance Committee is required for the INK Governance Committee to take official action; however, the INK Governance Committee will employ a consensus decision-making model to the extent possible. At minimum, this means each member will be given an opportunity to share their concerns and propose modifications to any official action prior to a vote. Other members will also be given time to react to proposed modifications and make additional suggestions. In addition to other statutory or traditional responsibilities, it is the role of the chairperson to facilitate these discussions and help members negotiate a consensus. Consensus decision-making is not a tool used to thwart progress, nor does it require unanimous agreement; rather, it is a way to ensure all concerns are adequately heard and addressed.

Interested parties or members of the public will be permitted to make public comment at each INK Governance Committee meeting. Individuals wishing to make comments will be required to sign up prior to the start of the meeting using a process to be determined by the INK Executive Director and the Governance Committee chairperson.

## **The INK Governance Committee: Roles & Responsibilities**

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### **Statutory Responsibilities**

In accordance with IC 22-4.5-10-6(a), the INK Governance Committee provides administrative oversight to the INK Program through the INK Executive Director, which, as provided in IC 22-4.5-10-6(b), includes all of the following:

- (1) Provide general oversight and direction for the development and maintenance of the INK Program, including the organizational framework for the day-to-day management of the INK Program.

- (2) Work with the INK Executive Director and other state agencies participating in the INK Program to establish the following:
  - (A) A standard compliance timeframe for the submission of data to the INK Program.
  - (B) Interagency policies and agreements to ensure equal access to the INK Program.
  - (C) Interagency policies and agreements to ensure the ongoing success of the INK Program.
- (3) Arrange for staff necessary to administer the INK Program.
- (4) Develop and implement a detailed data security and safeguarding plan that includes:
  - (A) Access by authenticated authorization;
  - (B) Privacy compliance standards;
  - (C) Notification and other procedures to protect system data if a breach of the INK System occurs; and
  - (D) Policies for data retention and disposition.
- (5) Develop and implement policies to provide routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), IC 22-4-19-6, and other relevant privacy laws and policies.
- (6) Establish the policy and research agenda for the INK Program.
- (7) Establish policies for responding to data requests from the state, local agencies, the general assembly, and the public. The policies established under this subdivision must provide for access to data in the INK requested by the legislative department of state government. If the data requested by the legislative department includes data that is restricted by federal law, regulation, or executive order, the INK Governance Committee shall provide access to the legislative department to the restricted data to the extent permitted by the applicable federal law, regulation, or executive order.
- (8) Oversee the development of public access to the INK System in a manner that:
  - (A) Permits research using the data in aggregated form; and
  - (B) Cannot provide information that allows the identification of a specific individual or entity.
- (9) Submit, not later than September 1, 2015, and not later than September 1 each year thereafter, to the Governor and to the legislative council in an electronic format under IC 5-14-6, a report covering the following for the most recent fiscal year:
  - (A) An update concerning the administration of the INK Program and the INK Governance Committee's activities.

- (B) An overview of all studies performed.
- (C) Any proposed or planned expansions of the data maintained by the INK Program.
- (D) Any other recommendations made by the INK Executive Director and the INK Governance Committee.

The following subparts are addressed by this INK Governance Framework:

- Subpart (4): The obligations under this requirement are addressed as provided under “Responsibilities of the Indiana Office of Technology” on page 15.
- Subpart (5): The obligations under this requirement are addressed throughout this INK Governance Framework;
- Subpart (7): The obligations under this requirement are addressed as provided under “Requests for INK Data” on page 25.

To ensure the effective and timely operation of the INK Program, all administrative efforts necessary to the compliance of subparts (2), (3), (6), (8), and (9) above are assigned to the INK Executive Director as expressly provided in “Responsibilities of the INK Executive Director” on page 12.

Subpart (1) above is not delegated.

### **Additional Responsibilities**

To successfully perform these statutory responsibilities, the INK Governance Committee is responsible for:

- Developing (and continuously improving) and ensuring material adherence to this INK Governance Framework;
- Determining who is authorized to have access to the INK Data;
- Ensuring state agencies affected by the INK Program have meaningful opportunities to address and resolve relevant concerns;
- Leveraging the advice of qualified advisors from the public and private sector; and,
- Ensuring the INK Program has adequate resources to succeed.

### **Responsibilities of Each Member of the INK Governance Committee**

In performance of their responsibilities under this Governance Framework, each member of the INK Governance Committee is responsible for:

- Ensuring all individuals supporting the INK Program conduct themselves in material compliance with this Governance Framework;
- Taking all appropriate action to spur state agencies to take appropriate action in accordance with decisions made by the INK Governance Committee;

- Assisting other members of the INK Governance Committee with compliance with the requirements of this Governance Framework; and,
- Final approval of who is authorized to access INK Data.

## **Responsibilities of the INK Executive Director**

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### **Statutory Responsibilities**

In accordance with IC 22-4.5-10-8(g), the INK Executive Director is responsible for the daily administration of the INK Program.

In accordance with IC 22-4.5-10-8(a) and (c), the INK Executive Director is appointed by, and serves at the pleasure of, the Governor. The initial appointment, as well as appointment in the event of vacancy of that position, of the INK Executive Director is governed by IC 22-4.5-10-8(a), (b), (c), (e), and (f).

In accordance with IC 22-4.5-10-8(h), the INK Executive Director shall:

- (1) Work with the INK Governance Committee, state agencies, and other entities participating in the INK to develop and implement appropriate policies and procedures concerning the INK Data quality, integrity, transparency, security, and confidentiality.
- (2) Coordinate the provision and delivery of data, as determined by the INK Governance Committee, to ensure that research project timelines and deliverables to stakeholders are met.
- (3) Provide reports concerning the INK and the INK Executive Director's activities to the governor and the INK Governance Committee.
- (4) Work in collaboration with the INK Governance Committee to hire staff as necessary to administer the INK Program.
- (5) Perform other duties as assigned by the Governor.

In addition to these responsibilities, the INK Executive Director, acting on the authority of the Governor pursuant to IC 22-4.5-10-6(d), may contract with public or private entities for the following purposes:

- (1) To develop and maintain the INK System, including the analytical and security capabilities of the INK System. Contracts made under this subdivision must include:
  - (A) Express provisions that safeguard the privacy and security of the INK System; and
  - (B) Penalties for failure to comply with the provisions described in clause (A).
- (2) To conduct research in support of the activities and objectives listed in the "Requirements of the INK System" subsection on page 19.
- (3) To conduct research on topics at the request of the Governor or the General Assembly.

## **Responsibilities Assigned by the INK Governance Committee**

As provided in the “The INK Governance Committee: Roles & Responsibilities” section on page 9, the INK Executive Director shall perform the following for review and approval by the INK Governance Committee:

- Prepare a standard compliance time frame for the submission of data to the INK Program;
- Propose any interagency policies or agreements necessary to ensure equal access to the INK System or any such policies and agreements to ensure the ongoing success of the INK Program;
- Arrange for staff necessary to administer the INK Program.
- Propose the policy and research agenda for the INK Program for review and approval of the INK Governance Committee.
- Oversee the development of public access to the INK System in a manner that (i) permits research using the data in aggregated form; and (ii) cannot provide information that allows the identification of a specific individual or entity.
- Prepare for further consideration by the INK Governance Committee, not later than July 1 of each year, a report to be sent to the General Assembly covering the following for the most recent fiscal year (per I.C. 22-4.5-10-6(b)(9):
  - An update concerning the administration of the INK Program and the INK Governance Committee’s activities.
  - An overview of all studies performed.
  - Any proposed or planned expansions of the data maintained by the INK Program.
  - Any other recommendations made by the INK Executive Director and the INK Governance Committee.

## **Other Responsibilities**

To successfully perform these statutory responsibilities, the INK Executive Director is responsible for:

- Executing the directives of the INK Governance Committee;
- Maintain ongoing communications with the INK Governance Committee as permitted by the Indiana Open Door Law and the INK Working Groups;
- Overseeing the effective collaboration of the INK Working Groups;
- Ensuring that the operations of the INK Program materially comply with this INK Governance Framework, and that updates to this INK Governance Framework are proposed to the Governance Committee as necessary to reflect operational needs/realities and legal requirements affecting the INK Program;

- Ensuring that any report of an apparent material violation this INK Governance Framework is promptly and sufficiently addressed in accordance with this INK Governance Framework;
- Taking immediate action (including the power to immediately suspend access to INK to any individual) whenever there is a concern that INK Data has been accessed, used, or disclosed in a manner that is not permitted by this INK Governance Framework;
- Maintaining a data dictionary as provided in the Data Dictionary section on page 22;
- Overseeing responses to data requests as provided in the “Requests for INK Data” section on page 25;
- Acting as secretary to the INK Governance Committee;
- Updating the INK Governance Committee at each meeting on the following items as part of the agenda:
  - Data Requests Approved by Staff Action;
  - Data Requests Pending Action by Staff; and,
  - Data Requests Pending Action by the Governance Committee, including staff recommendation.

For items pending action by the Governance Committee, INK staff shall provide a comprehensive recommendation for all items pending Governance Committee action, including input from the Partner Agencies and relevant advisors.

- INK staff shall post and regularly update on the INK website each data request received with at least the following items:
  - Requestor and Organization;
  - Data elements requested;
  - Intended purpose
  - Date requested;
  - Status;
  - Expected date of resolution.

## **The INK Working Groups: Composition & Responsibilities**

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The INK Working Groups exist to foster effective collaboration among the employees of the Partner Agencies in the administration of the duties to implement the directives of the INK Executive Director under this Governance Framework.

Importantly, to ensure compliance with the Indiana Open Door Law, the INK Working Groups do not have authority delegated to it by the INK Governance Committee; further, the INK Working Groups are not a Public Agency and it is not capable of taking Official Action upon Public Business (as those terms are defined in IC 5-14-1.5-2).

The INK Working Groups are comprised of:

- Employees of the Partner Agency designated by the member of the INK Governance Committee representing that employees' state agency;
- INK System Administrator designated by the State Chief Information Officer to lead the coordination of all IOT services relating to the INK System; and,
- Employees of other state agencies that are deemed by any member of the INK Governance Committee as necessary to the effective administration of the INK Working Group.
- Subject matter experts in the fields of early childhood learning, K-12 education, postsecondary education, and workforce development.

The INK Working Groups:

- Meet at the call of the INK Executive Director to address concerns and ideas to improve the INK Program;
- Assist and advise the INK Executive Director, members of the INK Working Groups, and any other authorized individual with compliance with the requirements of this Governance Framework; and,
- Promptly report any apparent violation of this Governance Framework to the INK Executive Director.

## **Responsibilities of the Indiana Office of Technology**

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IOT is responsible for:

- Developing (and continuous improvement of) and ensuring material adherence to the data security and safeguarding plan contemplated by IC 22-4.5-10-6(a)(4) and IC 22-4.5-10-5(a)(1)(C), which shall be referred to as the "INK Security Framework";
- Ensuring the information architecture of the INK System is developed and maintained to be
  - Secure to prevent unauthorized access to INK;

- Maintains a logical separation of INK Data from any other data maintained by IOT;
  - Responsive; and,
  - Scalable to meet future needs of the INK Program.
- Ensuring the necessary staffing is committed to project management, technical, and security issues to develop and maintain the INK System consistent with the applicable Service Level Agreements at [http://www.in.gov/iot/files/Service\\_Level\\_Agreement\\_14.pdf](http://www.in.gov/iot/files/Service_Level_Agreement_14.pdf) ;
  - Advising all Partner Agencies, including the INK Executive Director, on the best practices associated with the management of personally identifiable information or otherwise sensitive INK Data; and,
  - Taking immediate action (including the power to immediately suspend access to INK Data to any individual) whenever there is a concern that INK Data has been accessed, used, or disclosed in a manner that is not permitted by this Governance Framework.

### **INK System Administrator Designated by the State Chief Information Officer**

The State Chief Information Officer shall designate a qualified IOT employee to serve as the INK System Administrator and to lead the coordination of all IOT services relating to the INK System. The INK System Administrator shall serve in that position at the sole discretion of the State Chief Information Officer. The INK System Administrator shall coordinate regularly with the INK Executive Director and any other individual participating in the INK Working Groups.

### **The INK Security Framework**

The INK Security Framework shall comply with NIST 800-53R4: *Security and Privacy Controls for Federal Information Systems and Organizations*,<sup>2</sup> which are the highest security standards for non-defense systems within the Federal government.

The INK Security Framework shall include performance of audits for compliance with data privacy and security standards, as required by IC 22-4.5-10-5(a)(1)(C) and the Family Educational Rights and Privacy Act at least once every three calendar years.

IOT will provide such information reasonably necessary to demonstrate its compliance with the INK Governance Agreement, NIST 800-53R4, and any the requirements under the law. In the event that the Partner Agency finds the safeguards and controls to be inadequate, that Partner Agency may suspend its provision of data to the INK System until compliance is achieved.

The INK Security Framework, along with any updates to it over time, is incorporated herein by reference without further action by the INK Governance Committee; provided however, that the INK Security Framework is subject to the provisions of this INK Governance Framework. In the event of any apparent conflict between these two frameworks, the INK Working Groups shall meet, be advised by IOT of the reasoning for its actions, and confer to work to resolve the apparent conflict.

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<sup>2</sup> <http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r4.pdf>

## **Management of INK Program Funds**

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The Executive Director shall prepare a budget for the operations of the INK Program, shall be subject to the review and approval of the INK Governance Committee. Requests for spending shall be in accordance with applicable state policies and statutory requirements.

In accordance with IC 22-4.5-10-6, funding for the development, maintenance, and use of the INK Program and INK System may be obtained from any of the following sources:

- (1) Appropriations made by the General Assembly for this purpose.
- (2) Grants or other assistance from local educational agencies or institutions of higher education.
- (3) Federal grants.
- (4) User fees.
- (5) Grants or amounts received from other public or private entities.

## **Payment of Per Diems & Reimbursement of Expenses**

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Any expenses relating to the INK Program not otherwise addressed in this section shall be referred to the INK Executive Director who shall promptly address each such request.

### **Payment of Per Diems & Reimbursement for INK Governance Committee Members**

In accordance with IC 22-4.5-10-9(a), each member of the INK Governance Committee who is not a state employee is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Such members shall present such requests to the INK Executive Director who shall promptly address it.

In accordance with IC 22-4.5-10-9(b), each member of the INK Governance Committee who is a state employee is entitled to the following:

- (1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana Department of Administration and approved by the State Budget Agency.

Such members shall present such requests to their respective state agency who shall reimburse the request from funds dedicate to that that Partner Agency and in accordance with that Partner Agency's standard practices.

#### **Payment of Per Diems & Reimbursement for Others**

Except as agreed to in writing and in advance by the INK Executive Director, requests by state employees for reimbursement of expenses shall be directed to the state agency by which he or she is employed and such request shall be addressed in accordance with that state agency's standard practices. Such requests shall not be reimbursed by the INK Executive Director.

## SECTION III: DATA GOVERNANCE

### **INK Governance Framework Applies to All INK Data**

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The data provided to the INK remain under the ownership and control of the agency submitting the data. Data within INK may only be accessed, used, and disclosed as permitted by this INK Governance Framework.

Partner Agencies shall ensure that their respective personnel comply with all requirements of this INK Governance Framework. Any individual receiving data from INK, including Partner Agencies, shall undergo a yearly refresher on data privacy and confidentiality to be coordinated by the INK Executive Director in conjunction with Partner Agencies.

### **Statutory Requirements for the INK System**

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In accordance with IC 22-4.5-10-4, the INK System be capable of the following:

- (1) Effectively organize, manage, break down, and analyze educational, workforce, and other data.
- (2) Generate timely and accurate information about student progress and outcomes over time, including students' preparation for postsecondary education and the workforce.
- (3) Generate timely and accurate information that is available to the public about the effectiveness of the State's job training programs, including at least the following:
  - (A) The number of participants in each program.
  - (B) The number of participants who, as a result of the training received in the program: (i) secured employment; or (ii) were retained by an employer.
  - (C) The average wage of the participants who secured employment or were retained by an employer.
- (4) Support the economic development and other activities of state and local governments.

In accordance with IC 22-4.5-10-5(a), the INK System shall be designed to ensure:

- (1) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), IC 22-4-19-6, and other relevant privacy laws and policies, including the following:

- (A) The required use of data that cannot be used to identify information relating to a specific individual or entity.
  - (B) The required disposition of information that is no longer needed.
  - (C) The provision of a data security plan, including the performance of regular audits for compliance with data privacy and security standards.
  - (D) The implementation of guidelines and policies to prevent the reporting of other data that may potentially be used to identify information relating to a specific individual or entity.
- (2) The use of data only in summary form in reports and responses to information requests. Data that may identify specific individuals or entities because of the size or uniqueness of the population involved may not be publicly reported in any form.
  - (3) Partner Agencies will have access to de-identified record-level data in support of their agency's missions and objectives.

The INK Executive Director shall be responsible for overseeing all efforts to develop the system in accordance with these requirements. The INK Executive Director shall utilize the INK Working Groups to collaborate and encourage “buy in” from all participants thereof prior to referring any substantial matter to the INK Governance Committee.

## **Provision of Data to the INK System**

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Data will be provided to the INK System in accordance as follows.

### **State Agencies**

Consistent with IC 22-4.5-10-5(a) and (b), the IDOE, DWD, CHE, FSSA, and, other state agencies (as determined by the INK Governance Committee) that collect relevant data related to educational and workforce outcomes shall submit that data to the INK System on a timely basis.

Partner Agencies will submit data to the INK System as determined by resolution of the INK Governance Committee. Such resolution shall be updated or readopted at least annually.

In accordance with IC 22-4.5-10-5(c), the data submitted to the INK System by a state agency:

- (1) Remains under the ownership and control of the State Agency submitting the data; and
- (2) May be used only for the purposes of this chapter, unless the state agency that submitted the data consents in writing to the additional use.

### **Affiliate Organizations**

In accordance with IC 22-4.5-10-5(d), private institutions of higher education, private sector business or commercial employers, groups, associations, agencies, and other entities may submit educational, workforce, and other relevant data, as applicable, to the INK System through the appropriate Partner

Agency by working in coordination with the INK Executive Director. Such entities shall be considered “Affiliate Organizations.”

The INK Executive Director shall coordinate with the INK Working Groups to accept data from an Affiliate Organization prior to executing any data sharing agreement. Any data sharing agreement with an Affiliate Organization must be subject to this INK Governance Framework and is subject to the approval of the INK Governance Committee.

### **Data that May Not Be Obtained or Stored**

In accordance with IC 22-4.5-10-4(b), the INK System may not obtain or store the following student data:

- (1) Disciplinary records.
- (2) Juvenile delinquency records.
- (3) Criminal records.
- (4) Medical and health records.

### **Requirements for Providing Data to IOT**

Except when the INK System Administrator and INK Executive Director determine that technological limitations exist that cannot be cost-effectively overcome within a reasonable time period, state agencies will provide access to data to the INK System as follows to improve the timeliness of the data accessed and minimize individuals’ access to the data:

- To the extent possible, IOT will be permitted access to the INK data directly rather than rely on state agency action to transmit the data;
- All data available will be made accessible from the source at the finest possible level of granularity, not in the aggregate or modified forms;
- IOT will determine the appropriate format of data and subsequent validation rules in collaboration with the INK Executive Director and INK Working Groups; and,
- The Partner Agency will not make any changes to the structure of data provided for the INK System without the prior written approval of IOT.

IOT shall not permit the data accessed by it for the purpose of performing its duties under this INK Governance Framework to be accessed or used for any other purpose whatsoever.

### **Publicly Available Data & Requests to External Entities**

The INK Program may also make use of data that are publicly available.

In some cases, such as the Federal government by virtue of requirements associated with administration of a federal program, a formal request for data is required to receive access and to make use of the requested data. Requests for access to data for analysis by the INK Program will be made as follows:

- No request shall be made to an external entity that would affect data accessed or to be accessed by the INK Program without the approval of the INK Executive Director. This requirement, however, does not apply to an entity that acts on behalf of a state agency, such as a contractor for services.
- The INK Executive Director shall coordinate with each relevant state agency when it is necessary to request information from an external entity. To help ensure approval, and unless otherwise determined by the INK Executive Director, the INK Executive Director shall request that the request be made on the letterhead of the state agency and submitted to the external entity by the director of the state agency.

## Data Dictionary

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The INK Executive Director, in collaboration with the INK Working Groups, will create and maintain a data dictionary. Data will be organized in the following categories subject to the outlined scrutiny and restrictions. Data of a lower level of restriction that are merged with data of a higher level of restriction assume the higher level of restriction (*e.g.*, a data set of Restricted Data are merged with Highly Restricted Data means the entire data set becomes Highly Restricted Data). The INK Executive Director and the Source Agencies shall review data classifications at least annually.

- *Non-disclosable or Confidential Data.* Data that are prohibited by state or federal law from disclosure or re-disclosure under any circumstances to non-state agencies are considered non-disclosable and confidential.
- *Highly Restricted Data.* Data that include information about the identity of individuals or other personally identifiable information are highly restricted with limited access. Highly Restricted Data require specific procedures to protect confidentiality per federal and state law. These types of data are rarely shared and are only be used for unit record matching purposes or for a statutorily permissible exception such as program audit or evaluation. Access to Highly Restricted Data requires an appropriate exemption under which the data are being requested and a justification. A data sharing agreement with INK is required and final disclosures are subject to Source Agency review. The Governance Committee may require evidence of Institutional Review Board approval for non-state agencies to access these data.
- *Restricted Data.* Data that are record-level, but contain no personally identifiable information are restricted with controlled access. Merely deleting identity fields from a Highly Restricted Dataset does not necessarily create a Restricted Dataset. Disaggregation of Restricted Data records, even without explicit identification fields, may result in a record where the identity of the subject could be reasonably inferred or extrapolated. A data sharing agreement with INK is required and final disclosures are subject to Source Agency review.
- *Public Data.* Data aggregated from Restricted Data that contain no unit record data, employ appropriate suppression methodologies, is for public use, and acceptable for publication purposes. Access to Public Data is unrestricted. As feasible, public data will be made available on the INK website.

## Ongoing Retention of INK Data

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The Partner Agencies assure that when data are no longer required, the Partner Agencies will appropriately destroy these shared data, including copies or backups. Partner Agencies shall maintain records that document and verify the destruction of these shared data pursuant to this Agreement. The destruction of shared data must be witnessed by at least one additional person who can later attest that a complete and permanent destruction of the data occurred. Partner Agencies will submit a letter to the other Partner Agencies within thirty (30) days of the termination of this Agreement attesting to the destruction of the shared data unless a new Agreement is executed within that timeframe. If the Partner Agencies of the data do not destroy all shared data when no longer needed for the purposes of this Agreement, then Partner Agencies in receipt of the shared data will be prohibited from access to future data from the relevant Source Agencies for at least five (5) years, pursuant to 34 CFR §99.67(e).

## Provision of Access to INK

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Access to the INK System for Partner Agency staff shall be subject to the review and approval of the INK Executive Director and appropriate Agency Head. Upon approval of the request for access, the INK Executive Director will submit the access request to IOT to be fulfilled. Each Partner Agency shall have at least one analyst with access to the INK system to assist IOT. No person shall be granted access without undergoing IOT's prescribed background checks and executing appropriate confidentiality agreements.

The Partner Agencies agree to the following limitations on the access of INK Data:

- Partner Agency access to the INK Data may not be subcontracted or otherwise transferred or assigned without approval from the INK Executive Director.
- Partner Agencies shall instruct all personnel having access to the disclosed information about the confidentiality requirements of this Governance Framework and the sanctions specified in state and federal law for unauthorized disclosure of information;

## Uses of INK Data

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### Permissible Uses

Except as provided in the Limitations on Uses and Prohibited Uses subsections in this section, INK Data may be used as follows:

- In accordance with IC 22-4.5-10-3, access to INK Data is permitted for the purposes of improving the effect of the state's educational delivery system on the economic opportunities of individuals and the state's workforce, and to guide state and local decision makers;
- Consistent with IC 22-4.5-10-6(b)(7), INK shall respond to requests from the state, local agencies, the general assembly, and the public; and,

- Individuals employed by IOT who are authorized in writing by INK System Administrator may also access INK Data in compliance with the INK Security Framework to develop and maintain the INK System.

## **Limitations on Uses**

The Partner Agencies agree to the following limitations on the use of INK Data:

- Data provided to the INK System may be only for the purposes authorized under this INK Governance Framework and shall not be disclosed or reproduced to anyone who is not a Partner Agency or an Affiliate Organization except as permitted by the INK Governance Committee;
- Data shared between or among agencies may contain confidential or otherwise protected information; therefore, Partner Agencies and Affiliate Organizations agree that all data, material, and information gathered by or disclosed to Partner Agencies and Affiliate Organizations pursuant to this INK Governance Framework will not be disclosed or discussed with any third party without the prior written consent of the relevant Partner Agency unless that information is already in the public domain;
- Prior to public disclosure, any reports, studies, or other research using INK Data shall be reviewed on a timely basis (not to exceed thirty calendar days) by the INK Executive Director and appropriate Source Agencies to ensure compliance with the law, that the data has been properly interpreted, and, that there is no inadvertent disclosure of personally identifiable information;
- Partner Agencies reserve the right to request adjustments to research, analysis, or suppression methodology as appropriate;
- Any final report, study, or other research using data obtained from INK shall properly attribute the source of data to the INK System and use branding approved by the INK Executive Director; and,
- INK Data shall not be published or disclosed in any way information or shared data that would directly or indirectly identify individual students.

## **Prohibited Uses**

INK Data may never be accessed, used, or disclosed for any:

- Purpose not wholly within the spirit and intent of this INK Governance Framework;
- Purpose to identify any particular individual or set of individuals on an individual basis except as required by law enforcement or a court order, or,
- Illegal purpose.

## **Requests for INK Data**

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IC 22-4.5-10-6(b)(7) requires the INK Governance Committee to:

Establish policies for responding to data requests from the state, local agencies, the general assembly, and the public. The policies established under this subdivision must provide for access to data in the INK requested by the legislative department of state government. If the data requested by the legislative department includes data that is restricted by federal law, regulation, or executive order, the INK Governance Committee shall provide access to the legislative department to the restricted data to the extent permitted by the applicable federal law, regulation, or executive order

In accordance therewith, INK Data will only be fulfilled using the workflow outlined in Appendix 1.

The Partner Agencies recognize and affirm that they are each experts at understanding and explaining their respective data. Therefore, if only one Partner Agency's data are related to the request, the public records request shall be referred to that Partner Agency and that Partner Agency shall thereafter be responsible for responding to the request. That Partner Agency shall not deny the request solely on the basis that it was first directed to the INK Program.

### **Requests of the General Assembly**

Data requests from members of the Indiana General Assembly shall be expedited and accorded the highest priority possible. Upon receipt of such a request, the INK Executive Director will notify the appropriate INK Working Groups and Partner Agencies. Authority to fulfill data requests from legislators is delegated from the INK Governance Committee to the INK Executive Director, subject to the approval and final review of appropriate Partner Agencies. The INK Executive Director will notify the INK Governance Committee of requests made under this provision at the next INK Governance Committee meeting. The INK Executive Director shall not fulfill any request that would violate state or federal statute.

### **State Agency Requests**

Data requests from state agencies shall receive the next highest priority, in order of receipt, following request from members of the Indiana General Assembly. Such requests shall follow the process outlined in Appendix 1.

### **Affiliate Organization Requests**

Data requests from Affiliate Organizations shall receive the next highest priority, in order of receipt, following requests from state agencies. Such requests shall follow the process outlined in Appendix 1.

### **Public Requests**

Any public request for INK data will be promptly submitted or forwarded in writing to the INK Executive Director who shall take the initial step of acknowledging receipt of the request in writing and the State's intent to respond substantively in a timely manner. The INK Executive Director shall then identify each Partner Agency whose data is related to the request.

In all cases, the INK Executive Director shall remind those involved:

- The importance of transparency, both as a cornerstone of the INK Program and as a fundamental aspect of the Indiana Access to Public Records Act;
- The importance of maintaining the confidentiality of personally identifiable information;
- The importance of promptly responding to each request; and,
- The requirements of IC 5-14-3-6.5, which provides: “A public agency that receives a confidential public record from another public agency shall maintain the confidentiality of the public record.” (IC 4-1-6-8.5(2) also provides “When an agency which holds information classified as confidential disseminates that information to another agency, the receiving agency shall treat it in the same manner as the originating agency.”)

### **Law Enforcement Requests**

Requests from law enforcement for INK Data must be directed to State Chief Information Security Officer, who shall promptly consider the request. Unless directed otherwise by law enforcement, the State Chief Information Security Officer shall promptly notify the members of the INK Governance Committee and the INK Executive Director.

## **Apparent Breach of the INK System: Notifications & Mitigation**

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### **Breach Protocols**

In the event any individual suspects that the INK System has been breached, the individual shall immediately notify the INK Executive Director and the State Chief Information Security Officer who shall take immediate action to resolve the concern, who will jointly take the following actions:

- Notification to the State Chief Information Officer immediately;
- Notification to the individuals listed in Appendix 2.
- Leading coordination with the appropriate personnel from each affected Partner Agency or Affiliate Organization to take all appropriate and necessary mitigating actions required by applicable federal and state laws and regulations, including preparing notices to affected individuals or other notices to state and/or federal authorities, as required by law.

### **Reporting Requirements**

The State Chief Information Security Officer shall remain under a continuing duty to keep all appropriate personnel informed of the mitigating actions taken and shall prepare a report at the earliest appropriate time with the following information.

Element	Explanation
<b>Name of Agency:</b>	System or state agency breached
<b>Incident #:</b>	Incident number or tracking # assigned by Partner Agency, if any
<b>Type of Incident:</b>	Explanation of breach incident/type
<b>Date and Time of Identification:</b>	Date and time the breach was discovered
<b>Data and Time of Report:</b>	Date and time breach was reported to Source Agency
<b>Name and Title of Person Reporting Incident:</b>	Name and title of the individual who reported the incident to the Partner Agency
<b>Name and Title of Incident Contact/Follow-up Manager:</b>	Name of the individual who is responsible for continued research and follow-up work on the incident
<b>Summary of Incident:</b>	Free text summary of the incident, including details, dates/times of note, etc.
<b>Description of Personally Identifiable Information Involved:</b>	List the data elements, number of individuals affected, name of Source Agency who provided information, location of information at the time of breach
<b>Actions Taken:</b>	List actions taken since initial report
<b>Conclusion</b>	List recommendations, measures taken to address the issue, etc.
<b>Key Personnel</b>	List key personnel involved with this investigation/incident.

### Compliance with Other Laws Relating to Breach

Any breach involving a social security number shall be reported to the Office of the Attorney General within two (2) business days pursuant to 10 IAC 5-4-1.

In addition to any other applicable laws, the State Chief Information Security Officer shall consider the applicability and ensure compliance with the laws listed in “State & Federal Privacy Laws Relating to the INK System” on page 7.

### Updates to Appendix 2: Apparent Breach of the INK System: Contact Information

Each Partner Agency shall promptly advise the INK Executive Director of any changes necessary to the following table. Promptly after receipt of such notification, or as otherwise deemed appropriate to the effective administration of the INK System as determined by either the INK Executive Director or the designated IOT representatives in the foregoing table, the INK Executive Director shall email an updated copy of this Appendix to all individuals listed in the following table, copying on that email any individual removed from this Appendix.

## **Responsibilities in the Event of Other Unauthorized Actions**

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In the event any individual suspects that INK Data has been disclosed in a manner that is not permitted by this INK Governance Framework or otherwise by law, the individual shall immediately notify the INK Executive Director and the State Chief Information Security Officer, who shall take immediate action to resolve the concern by leading coordination with the appropriate personnel from each affected Partner Agency or Affiliate Organization to take all appropriate and necessary mitigating actions.

## **Duty to Report Suspicion of Unauthorized Actions**

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All authorized personnel acting on behalf of a state agency in support of the INK Program have an affirmative duty to immediately report any suspected unauthorized access or misuse of INK Data to the INK Executive Director and State Chief Information Security Officer.

### **Safe Harbor**

Any individual who intends to access, use, or disclose INK Data who is not entirely sure about the appropriateness of the intended access, use, or disclosure of INK Data shall consult with the INK Executive Director prior to such usage.

To the extent permitted by law, an individual who acts in a manner consistent with that direction of the INK Executive Director and this Governance Framework is not subject to sanction for a later determination that such access, use, or disclosure was improper.

### **“Whistleblower” Protection**

To the extent permitted by law, any individual reporting an apparent violation in good faith shall be protected against any retaliation whatsoever associated with such report and the identity of the individual reporting the apparent violation shall be maintained in complete confidence by the INK Executive Director and State Chief Information Security Officer, except as required by the Inspector General, other law enforcement, or court order.

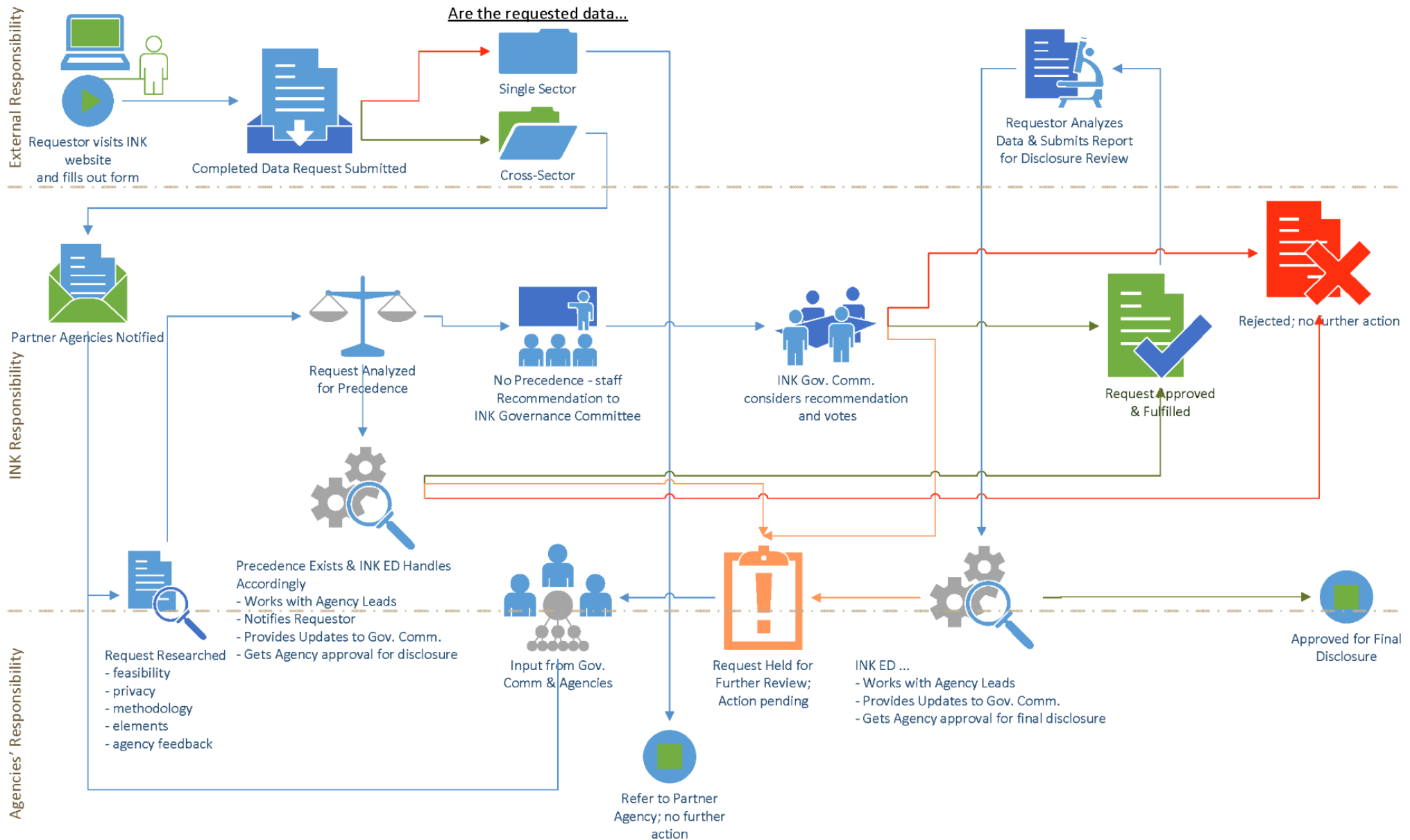
## **Penalties Associated with Unauthorized Action**

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Unauthorized disclosures or re-disclosures will be subject to disciplinary actions up to and including dismissal from employment, cancellation of contracts, criminal or civil liabilities, suspension of data sharing activities, withholding funds, and other penalties permitted by state or federal law.

# SECTION IV: APPENDICES

## 1. Data Request Workflow



## 2. Apparent Breach of the INK System: Contact Information

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In the event of a data breach, the following individuals will be notified as provided in “Apparent Breach of the INK System: Notifications & Mitigation” on page 26.

Breach Notice	Contact Information
Commission for Higher Education (CHE)	Assoc. Commissioner for Research & Info. <a href="mailto:data@che.in.gov">data@che.in.gov</a> (317) 464-4400 x117
Department of Workforce Development (DWD)	Deputy Commissioner for Information Steven Elliott <a href="mailto:SElliott1@dwd.IN.gov">SElliott1@dwd.IN.gov</a> (317) 234-8371
Family & Social Services Administration (FSSA)	FSSA Privacy & Security Officer <a href="mailto:fssa.PrivacyOffice@fssa.in.gov">fssa.PrivacyOffice@fssa.in.gov</a> (317) 232-4732 (877) 690-0010
Indiana Department of Education (IDOE)	Chief Information Officer Josh Towns <a href="mailto:jtowns@ido.e.in.gov">jtowns@ido.e.in.gov</a> (317) 407-2540
Indiana Network of Knowledge (INK)	INK Executive Director <a href="mailto:ink@ink.in.gov">ink@ink.in.gov</a> (317) 232-2000
Indiana Office of Technology (IOT)	Chief Information Security Officer Tad Stahl <a href="mailto:tstahl@iot.in.gov">tstahl@iot.in.gov</a> 317-234-3434  System Administrator Robert Paglia <a href="mailto:rpaglia@iot.in.gov">rpaglia@iot.in.gov</a> 317-234-5099
Indiana Attorney General (OAG)	OAG Identity Theft Unit <a href="mailto:IDTheft@atg.in.gov">IDTheft@atg.in.gov</a>